

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMERSON PAUL BIRDTAIL, II,

Defendant.

CR-15-09-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 14, 2020. (Doc. 72.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 13, 2020. (Doc. 68.) The United States accused Birdtail of violating his conditions of supervised 1) by failing to comply with the terms of his home confinement; and 2) by committing another other crime. (Doc. 66.)

At the revocation hearing, Birdtail admitted that he had violated a condition of his supervised release 1) by failing to comply with the terms of his home confinement; and 2) by committing another other crime. (Doc. 68.) Judge Johnston found that Birdtail's violations warranted revocation, and recommended that Birdtail should receive a custodial sentence of 14 months, with no supervised release to follow.

The violations prove serious and warrant revocation of Birdtail's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 72) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Emerson Paul Birdtail, II be incarcerated for 14 months, with no supervised release to follow.

DATED this 27th day of May, 2020.



Brian Morris, Chief District Judge
United States District Court